

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EBIPAMONE N. NANAKUMO,

Plaintiff,

-against-

NEW YORK CITY HEALTH + HOSPITALS  
CORPORATION; MR. CHRISTOPHER  
ROKER, Chief Executive Officer of New York  
City Health + Hospitals/Lincoln, MS.  
BARBARA MARRERO, Director of Human  
Resources of New York City Health + Hospitals/  
Lincoln, HON. ERIC ADAMS, Mayor of New  
York City, DR. JAMES V. MCDONALD, New  
York State Commissioner for Health, HON.  
KATHY HOCHUL, Governor of New York  
State, HON. XAVIER BECERRA, Secretary of  
Health & Human Services (on behalf of  
President Joseph Biden and the government of  
the United States of America); PROF. KLAUS  
SCHWAB, Founder and Executive Chairman of  
the World Economic Forum - on behalf of the  
World Economic Forum,

Defendants.

23-CV-00314 (LTS)

ORDER OF DISMISSAL  
WITH LEAVE TO REPLEAD

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se* and *in forma pauperis* (“IFP”), filed this action under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e to 2000e-17, the New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297, and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 to 131, alleging that his employer discriminated against him based on his religion. By order dated March 6, 2023, the Court directed Plaintiff to amend his complaint to address deficiencies in his original pleading. Plaintiff filed an amended complaint on May 8, 2023, and the Court has reviewed it. The action is dismissed for the reasons set forth below.

The Court assumes familiarity with the March 6, 2023, order, and thus only briefly summarizes the allegations in Plaintiff's original complaint. Plaintiff, a doctor, worked at Lincoln Hospital, a public hospital located in Bronx County. (ECF 1.) On September 13, 2021, Plaintiff requested from New York City Health + Hospitals Corporation ("HHC") an exemption from the COVID-19 vaccination mandate on the ground that it violated his Christian faith. HHC denied that request on September 27, 2021, and directed Plaintiff to take an involuntary leave of absence without pay. He was subsequently fired. (*Id.* at 4.)

In his original complaint, Plaintiff asserted that HHC discriminated against him on the basis of his religion, in violation of Title VII of the Civil Rights Act of 1964. Plaintiff further alleged that the New York State COVID-19 Mandate in place at that time was, among other things, a "crime against humanity," "patently and solely motivated by an un-American and anti-American tyrannical political ideology," and a "Satanic policy." (*Id.*) Plaintiff named the following defendants in the original complaint: (1) HHC; (2) Mayor Eric Adams; (3) Governor Kathy Hochul; (4) President Joseph Biden; and (5) the "World Economic Forum (United Nations, World Health Organization, Rockefeller Foundation, Bill & Melinda Gates Foundation, Open Society, European Union, Vatican City, Klaus Schwab, Yuval Noah Harari, Bill Gates, George Soros, Pope Francis, Barak Obama, Ursula von der Leyen, Emmanuel Macron, Boris Johnson, Justin Trudeau, Scott Morrison, Anthony Albanese, Dr. Tedros Ghebreyesus, Dr. Francis Collins, Dr. Anthony Fauci, Dr. Peter Daszak, etcetera)." (*Id.*)

In the March 6, 2023, order, the Court: (1) granted Plaintiff leave to file an amended complaint to provide facts to state employment discrimination claims under Title VII and city and state human rights laws, and to name only defendants who may properly be held liable under those laws; and (2) dismissed as frivolous Plaintiff's claims arising from his assertions

concerning the origin of the pandemic and the purpose or utility of the vaccine mandate. (ECF 6.)

Plaintiff's amended complaint is substantially similar to the original complaint. In it, Plaintiff names the following defendants: (1) HHC; (2) Christopher Roker, Chief Executive Officer of HHC; (3) Barbara Marrero, Director of Human Resources, HHC; (4) Eric Adams, Mayor of New York City; (5) Dr. James V. McDonald, New York State Commissioner for Health; (6) Kathy Hochul, Governor of New York State; (7) Hon. Xavier Becerra, Secretary of Health & Human Services (on behalf of President Joseph Biden and the Government of the United States of America), and (6) Prof. Klaus Schwab, "Founder and Executive Chairman of the World Economic Forum - on behalf of the World Economic Forum." (ECF 7.) In addition to asserting facts arising under Title VII and city and state human rights laws, Plaintiff renews his claims regarding alleged "crimes against humanity." For example, Plaintiff alleges, as he did in the original complaint:

It is not a conspiracy theory but an incontestable fact that the Coronavirus Pandemic was contrived by the self-appointed Global Elites in collaboration with top scientists in the United States National Institute of Health and the Chinese Wuhan Institute of Virology to tyrannically impose and enforce global mandatory vaccination with preplanned bio-genetically engineered Messenger RNA Vaccines and Vaccine Passports to launch their much-hyped Great Reset of the world's economy (New World Order) that includes a radical World Depopulation Agenda as one of its cardinal facets!!

(ECF 7 at 3.)

The amended complaint does not comply with the March 6, 2023 order, which granted Plaintiff leave to replead only his employment discrimination claim against his former employer. Instead, Plaintiff names multiple defendants who were not Plaintiff's employer, and reasserts claims that the Court previously dismissed as frivolous.

### CONCLUSION

Plaintiff's amended complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court grants Plaintiff a final opportunity to file a second amended complaint that complies with the March 6, 2023, order, by asserting only employment discrimination claims against his former employer. Plaintiff must submit any second amended complaint to this Court's Pro Se Intake Unit within 30 days of the date of this order, caption the document as a "Second Amended Complaint," and label the document with docket number 23-CV-00314 (LTS). A Second Amended Complaint form is attached to this order. If Plaintiff fails to file a second amended complaint within the time allowed, or fails to show cause to excuse such failure, the Court will enter judgment consistent with this order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 5, 2023  
New York, New York

/s/ Laura Taylor Swain  
\_\_\_\_\_  
LAURA TAYLOR SWAIN  
Chief United States District Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Write the full name of each plaintiff.

-against-

\_\_\_\_ CV \_\_\_\_  
(Include case number if one has been  
assigned)

**SECOND AMENDED  
COMPLAINT**

Do you want a jury trial?

☐ Yes ☐ No

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Write the full name of each defendant. If you need more  
space, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of  
names. The names listed above must be identical to those  
contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- ☐ **Federal Question**
- ☐ **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

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### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

\_\_\_\_\_.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

\_\_\_\_\_  
or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

\_\_\_\_\_  
If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

First Name	Middle Initial	Last Name
Street Address		
County, City	State	Zip Code
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code



Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence:

Date(s) of occurrence:

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

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[illegible]

**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

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**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

_____		_____	
Dated		Plaintiff's Signature	
_____			
First Name	Middle Initial	Last Name	
_____			
Street Address			
_____			
County, City		State	Zip Code
_____			
Telephone Number		Email Address (if available)	
_____			

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes   ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court  
Southern District of New York**

## **Pro Se (Nonprisoner) Consent to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court’s actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.

## CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

### Civil case(s) filed in the Southern District of New York:

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address

City

State

Zip Code

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Telephone Number

E-mail Address

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Date

Signature

### Return completed form to:

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007